

Appl. No.: 10/656,077

• Amendment Dated: 11/29/05

• Reply to OA of 6/30/05

REMARKS

This amendment is responsive to the Action dated June 30th, 2005.

In the Action, claims 1-3, 7-13 and 17-24 stand rejected, while claims 4-6, 14-16 and 25 are merely objected to. Applicant would like to thank the Examiner for the identification of patentable subject matter.

With this response, claims 1-25 remain pending. Applicant offers the following remarks traversing the basis for rejection of claims 1-3, 7-13 and 17-24. Applicant believes the following remarks to be fully-responsive to the outstanding action. Upon entry of this response, reconsideration of the pending application is respectfully requested.

§103(a) Rejection of Claims 1-3, 7-13, 17 and 19-24

In paragraphs 1 and 2 of the Action, claims 1-3, 7-13, 17 and 19-24 were rejected as being unpatentable over a publication authored by Ogino et al (USPA 2004/0018848) in view of a patent application in the name of Silvester (USPA 2003/0172271), pursuant to 35 USC §103(a). In response, Applicant respectfully traverses the rejection of such claims.

In particular, without adopting the characterization of either of the Ogino or Silvester references, Applicant respectfully submits that the Silvester reference is not prior art to the instant application.

That is, Applicant respectfully submits that the Silvester application “was commonly assigned or under an obligation of assignment” to the assignee of the instant application, pursuant to the provisions of 35 USC §103(c). In particular, the Silvester application is assigned to Intel Corporation as recorded by the USPTO at reel/frame: 012678/0170.

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Insofar as the Silvester reference is unavailable as prior art in view of 35 USC §103(c), Applicant respectfully requests that the §103(a) rejection of claims 1-3, 7-13, 17 and 19-24 be withdrawn.

§103(a) Rejection of claim 18

In paragraph 3 of the Action, claim 18 is rejected as being unpatentable over the Ogino and Silvester references, in further view of an application in the name of Croome (USPA 2004/0014423). In response, Applicant respectfully traverses the rejection of this claim.

As above, Applicant respectfully points out that the Silvester reference is impermissible prior art to the instant application as it was “commonly assigned or under an obligation of assignment” to the assignee of the instant application pursuant to 35 USC §103(c). Accordingly, Applicant respectfully requests that the §103(a) rejection of claim 18 be withdrawn.

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CONCLUSION

Applicant respectfully submits that claims 1-25 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
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Date: November 29, 2005 by: /s/ Michael A. Proksch / Reg. No. 43,021 /
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